

COUNSEL LISTED ON SIGNATURE PAGE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE FLASH MEMORY ANTITRUST  
LITIGATION

) Case No. C-07-00086 SBA  
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)  
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This Document Relates to:

ALL ACTIONS  
\_\_\_\_\_  
\_\_\_\_\_

**STIPULATION AND ORDER  
REGARDING PROCEDURES  
GOVERNING EXPERT DISCOVERY**

The Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs and Defendants agree as follows regarding the timing and scope of any expert discovery in this case, and hereby agree and submit this stipulation and proposed order:

1. Within 3 business days of any party serving any expert reports and/or expert declarations in this case pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering the expert witness shall produce: the data or other information *relied upon* by the witness in forming the expert's opinions; any exhibits that will be used to summarize or support the expert's opinions; the witness's qualifications, including a list of all publications authored in the previous 10 years; a list of all other cases in which, during the previous four years, the witness has testified as an expert

at trial or by deposition; a statement of the compensation to be paid for the study and testimony in the case. Data or other information *relied upon* shall include, but is not limited to, raw data, spreadsheets, computerized regression analyses and/or other underlying reports and schedules sufficient to reconstruct the expert's work, calculations, and/or analyses. Information can be produced electronically (via email or disc) where appropriate. Where documents have previously been produced as part of the discovery in this case, a list of such documents by Bates number is sufficient. As to other documents considered by the expert, those documents should be produced except where widely-available publicly without undue expense (such as on the internet, or in major university libraries).

2. The following types of information shall not be the subject of discovery: (1) the content of communications among and between: (a) counsel and expert; (b) experts and other experts or consultants; and/or (c) experts and their respective staff, and (2) notes, drafts, written communications or other types of preliminary work created by, or for, experts. The foregoing exclusions from discovery will not apply to any communications or documents upon which the experts *rely* as a basis for their opinions/reports.

3. This Stipulation shall be effective only upon agreement of both the Direct Purchaser Plaintiffs and the Indirect Purchaser Plaintiffs, as well as the Defendants.

Dated: June 4, 2009

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*Liaison Counsel, by Agreement, for  
Defendants*

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11  
12 Dated: 6/8/09

13   
14 Hon. Sandra B. Armstrong

15 *United States District Judge  
Northern District of California*

16  
17 **ATTESTATION OF FILING**

18 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Steve N. Williams, hereby  
19 attest that concurrence in the filing of this stipulation and proposed order has been properly  
20 obtained.

21  
22 Dated: June 4, 2009

COTCHETT, PITRE & McCARTHY

23 By: /s/ Steve N. Williams  
24 Steve N. Williams

25 *Interim Co-Lead Counsel for Indirect  
26 Purchaser Class*